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The Director of Central Intelligence
Washington, D.C. 20505

National Intelligence Council

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22 May 1986

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

THROUGH: Harold P. Ford
Acting Chairman, National Intelligence Council

FROM: Fritz W. Ermarth
National Intelligence Officer for USSR

SUBJECT: Security versus Leaks

1. The root cause of the problem is a breakdown of broad attitudes respectful toward security within the government and much of the educated population. Healthier attitudes existed from the 1940s through the 1960s, as an echo of the war years and the continued viability of our national policy "establishment" on both sides of the political aisles. Their breakdown has been the consequence of the growth of adversarial politics among the press, legislature, and the executive branch; the death of the foreign policy "establishment" in Vietnam; and the impact on elite attitudes of all that happened in the 1960s and 1970s.

2. Turning this around will take, at least, very strong leadership from the President. He has the power to act effectively both as a maker of rules and regulations, and also as an educator of the public and its officials in government. But apart from much bemoaning of leaks and a few, but salutary, dismissals, this power has not been put to real use.

3. In my present job and while at the NSC, I have thought a lot about how the President can turn the leak-prone, and also espionage-prone, culture around. The following specific measures are, while strong medicine, available for the President to take. They would go a long way toward reshaping underlying attitudes.

- a. Define a "national security community" as all government employees, contractors, and consultants with authorized access to classified information.
- b. Establish that all members of this community are subject to polygraph investigation of security-related matters on demand, with the exception of elected officials and persons in positions confirmed by Congress.

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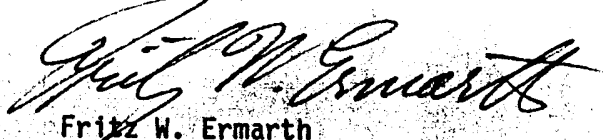
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- c. Rule that no member of this community, save elected officials and persons confirmed by Congress, shall have substantive communications with members of the working media on national security matters unless explicitly authorized by a superior who is elected or confirmed or by his duly appointed public affairs representative/office.
- d. Establish that as a rule intended to have very few exceptions, all substantive communications with the media on national security matters which do or could involve classified information should be ON THE RECORD. In any case, only elected officials, confirmed officials, and the President's Assistant For National Security Affairs are empowered to have off-the-record or background communications with members of the media.
- e. Violators of these regulations will be subject to dismissal, and prosecution in the event security is breached.
- f. Apply telephone taps at random and on suspicion to offices where national security business is conducted to determine compliance.

3. What is important about this approach is that it affirms the legitimacy of proper communications between the national security community and the media, but seeks to establish discipline and accountability in place of the sub-rosa communications which take place now. Actually, it applies to the government as a whole the regime which applies quite successfully within CIA, one of the few places where a culture of respect for security prevails in the government. If people absolutely have to talk to the press, then they should go through due process (discipline) and take responsibility for what they say (accountability). This approach will inevitably cut down on the volume of communications with the media -- and per force, on leaks -- but not simply cut the media off from responsible communications. And if you don't want to live under these rules, you don't have to have a security clearance and work on national security.

4. Agreements with Congressional leadership and with the contractor community will have to be worked out to make sure the regime applies to them too.

5. If the Executive Branch cannot see its way to this kind of a strategy, there is probably little else of a comprehensive nature that can be done. Except for one thing that would be very distasteful, which the President might threaten if he cannot get cooperation on rules such as those above: Namely, to infiltrate law enforcement informers into the working media to catch leakers, just the way we do to try to catch violators of the law in other environments, e.g., drugs and white collar crime. The First Amendment does not give those who possess classified information the right to violate the law and regulations. Nor does it provide a newspaper editor with a guarantee that his journalists are not, in fact, informants of the FBI.


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